TESTIMONY OF COUNCILMAN THOMAS "STONEY" ANKETELL ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES CONCERNING THE BIA AND IHS FY 2014 BUDGET April 25, 2013

Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, my name is Thomas "Stoney" Anketell. I am a member of the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. On behalf of the Fort Peck Tribes and Chairman Floyd Azure, I am pleased to present testimony on the President's Fiscal Year 2014 Budget. We are a large, land-based tribe located in northeastern Montana. The Fort Peck Reservation encompasses 2.0 million acres. Our Native American population is over 8,000 and our Tribal enrollment is over 12,000 members. Many of our members continue to live in poverty.

I will focus my testimony on the following Tribal priorities:

- 1. <u>Support</u> the President's FY 2014 budget request for the BIA Construction account which includes a \$2.3 million increase for operation and maintenance of the Assiniboine and Sioux Rural Water System (Other Program Construction);
- 2. <u>Support</u> and increase FY 2014 funding for the Indian Health Service (IHS) Services budget of \$1.86 billion for essential health care to Native Americans;
- 3. <u>Support</u> and increase funding of \$365 million for BIA Public Safety and Justice programs;
- 4. Oppose the Administration's unilateral changes to Contract Support Cost (CSC) policies.

<u>Sequestration</u>. Before I address these issues, I want to address the harmful effects that sequestration is having on our Reservation. If Congress does not find common ground, further reductions to Federal appropriations will occur in Fiscal Year 2014, and wipe out any funding increases Congress may include in the Interior, Environment and Related Agencies Appropriations bill. Already, we have begun to see reductions to our FY 2013 funding, early retirements of BIA and IHS officials, and the consolidation of agency offices. The indiscriminate across-the-board cuts and resulting "streamlining" have harmful consequences to our members. Sequestration as a budget policy does not work. It is a terrible policy for Indian country.

The United States has a continuing trust responsibility to strengthen and empower tribal governments. Efforts to strengthen Tribal governments and grow reservation economies are impeded when the budgets of the federal agencies we interact with are cut, when essential personnel take early retirement and are not replaced, and when the United States asks Tribal governments to subsidize Federal programs or refuses to honor our contracts and pay us our full amount of funding as required by law.

<u>Operation and Maintenance of the Assiniboine and Sioux Rural Water System</u>. The High Plains have historically suffered from poor quality water supplies that have contributed to health problems for Indian tribes and surrounding communities. To correct this problem and to ensure

an ample supply of municipal and industrial water, Congress passed the Fort Peck Reservation Rural Water System Act of 2000, Pub. L. 106-382. The Act authorized the construction of a rural water system to serve the Fort Peck Reservation and off-reservation communities with water from the Missouri River.

Since 2000, the United States has invested over \$130 million in construction of water intake, pump stations, and a now operational 32,000 square feet Water Treatment Plant, plus hundreds of miles of pipeline to serve the Fort Peck Reservation and off-reservation Dry Prairie communities. Under the statute, operation and maintenance of the Tribal rural water facilities is the obligation of the BIA to fully fund. Until the FY 2014 Budget, the BIA lagged behind in requesting adequate funding to cover the operation and maintenance costs for our rural water system. As Congress appropriated more funding for construction of our system – appropriations to the Bureau of Reclamation – the BIA did not keep pace and fund our increased operating costs at 100% as mandated by the Act.

This year, if the BIA awards us \$750,000 in FY 2013 operation and maintenance funds critical to our operation, we still anticipate an \$182,000 shortfall before the end of the fiscal year. To date, we have received \$175,000 in FY 2013 operating funds from the BIA -- and only in the last few weeks -- thanks to the timely intervention by the BIA Director. With over \$130 million in Federal appropriations invested in the project, we urge the Subcommittee to support the President's Budget and fully fund BIA construction accounts to cover the \$2.5 million we require to properly operate and maintain the facility, which includes the water treatment plant that is critical to distributing treated water to both Fort Peck and Dry Prairie service areas. The President's request for our operating funds is less than two percent of the Federal investment.

BIA operations funding is critical if we are to interconnect the Assiniboine and Sioux Rural Water System this year with the Dry Prairie Rural Water System, as required under the statute. Furthermore, future Bureau of Reclamation construction funding is dependent upon our ability to safely operate and maintain the Water Treatment Plant, intake, pump stations and existing water lines that we contracted to maintain under an ISDA contract with the BIA. Our ability to safely deliver municipal and industrial water to the Fort Peck Reservation and to Dry Prairie is dependent on operating funds from the BIA's Construction account.

Indian Health Service. Like clean water, the programs and services of the Indian Health Service are critical to the health and vitality of our members. We appreciate the Subcommittee's strong commitment to Indian health and providing increases to the IHS budget in recent years. We support and urge the Subcommittee to increase the President's request for additional funding for IHS Services (Hospitals and Health Clinics) (+\$54.6 million over the FY 2012 enacted amount) to address the urgent health care needs of Native Americans who continue to suffer higher rates of infant mortality, diabetes, heart disease and substance abuse than the general population.

We also encourage the Subcommittee to increase funding within the IHS Facilities account for Maintenance and Improvement (unchanged from FY 2012 at \$53.7 million), Health Care Facilities Construction (unchanged from FY 2012 at \$85 million), Equipment (unchanged at \$22.5 million) and Sanitation Facilities Construction (increased by \$7.7 million to \$207 million).

With increases for staffing of health clinics and hospitals, the IHS Facilities budget must keep up to maintain and expand existing facilities, and to add additional equipment to serve tribal communities. As noted above, without adequate funding, IHS-supported health facilities will deteriorate more rapidly than they can be replaced.

- A. <u>Fort Peck Dialysis Center</u>. Our dialysis center is at full capacity at nearly three dozen patients and has three-times that number as pre-renal patients. Unless we can expand or build a new dialysis center on the Reservation, we will have to turn away patients from this life-giving care. They will need to travel great distances to reach the nearest dialysis center in Billings, MT, more than 300 miles away. Last year, we asked the Subcommittee to direct the IHS to provide detailed information on the dialysis services to Indian patients in the Rocky Mountain Region. We make this request again to bring attention to this critical program.
- **B.** Purchased/Referred Care (formerly CHS). The need for Purchased/Referred Care continues to be of great concern to the Fort Peck Tribes in light of the fact that so many of our members require additional health care services that is not provided by the IHS or Tribally-operated programs. The Tribes fully support the President's proposal to increase funding for Purchased/Referred Care \$35 million above the FY 2012 enacted amount of \$843.5 million. With rising medical costs, we exhaust our \$5 million CHS allocation long before the fiscal year ends. In too many instances, tribal members are not referred by IHS officials to private health care treatment because the IHS restricts the use of such funds to life threatening illnesses and injuries. Early detection and prevention can save lives. We urge the Subcommittee to support and increase the FY 2014 funding levels for Hospitals and Clinics and Purchased/Referred Care so that more preventive care services can be provided to detect and treat illnesses before they are life threatening. This will lower health costs in Indian country.

<u>Public Safety and Detention</u>. The need for increased funding for law enforcement and Tribal Courts remains a continuing priority for us. We greatly appreciate the increases Congress has provided for public safety programs and justice programs. Our new adult detention facility – built with a grant from the Justice Department – will be completed in 2014. The President's budget shows that staffing needs for our facility will require 46 positions. When hired, they would nearly double our numbers; we have 41 corrections officers and 50 corrections personnel.

The President's Budget includes an increase of \$13.4 million for staffing "recently constructed" detention centers. Under the Tribal Law and Order Act, the BIA, IHS, Justice Department and the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) are required to work with Tribal governments to facilitate services to incarcerated tribal members and promote best practices. At the local level, however, there are not adequate resources for BIA and IHS officials to play an active role in coordinating the substance abuse, mental health and family counseling, education and related services that our incarcerated members require.

We urge the Subcommittee to avoid a piecemeal approach to criminal justice programs in Indian country and increase funding for Public Safety and Justice programs to permit tribes to hire more police, tribal judges, prosecutors and corrections personnel to improve our operations. The President's Budget acknowledges that it did <u>not</u> factor into the Budget the enactment of the

Violence Against Women Act (VAWA). Our reservation requires additional personnel to respond to domestic violence and other crimes. If both the Law Enforcement (\$340 million) and Tribal Courts (\$24 million) line items are increased <u>proportionally</u>, Tribal courts and corrections would receive additional funding to properly handle the anticipated increased case load work as more law enforcement officers patrol the reservation and enforce tribal laws.

We urge the Subcommittee to fully fund the programs authorized under VAWA to permit Indian tribes to exercise the authority conferred under the Act through stepped up law enforcement and Tribal court prosecutions. Funding should also be increased in the BIA's Human Services line above the President's request to provide more social service programs to identify at-risk Native American women and families.

We further request that the Subcommittee provide adequate operation and maintenance funding to the BIA's Budget to ensure that Tribally built facilities, including those partially financed with Justice Department grants, are properly maintained. In the Rocky Mountain Region, facilities that are not properly maintained deteriorate at a rapid rate. Unfortunately, the Budget does not increase Facilities Operation & Maintenance funding which remains flat at \$13.7 million. With limited infrastructure on the Fort Peck Reservation, it is important that existing and future facilities be well maintained.

<u>Contract Support Costs.</u> We appreciate this Subcommittee's support and increases to contract support cost funding. We urge the Subcommittee to provide full funding for contract support costs. The President's proposed increases will not close the gap in our contract support cost needs. We still have an unpaid IHS CSC shortfall of \$58,000 from FY 2010. That's a health position on our Reservation. The President's IHS CSC funding amount will still result in a projected shortfall of \$140 million for FY 2014.

We strongly oppose the Administration's proposal to alter the manner in which contract support costs are paid to Indian tribes beginning in FY 2014. Under the Indian Self-Determination Act (ISDA) the United States is required to pay the full amount of contract support costs Indian tribes require to properly administer ISDA contracts. The United States Supreme Court has held that if the BIA or IHS fails to pay Indian tribes their full contract support cost amount, tribes may file a claim to recover the underpayment. The BIA and the IHS propose to cap each Indian tribe's contract support cost payment for FY 2014 by including a contract-by-contract table in the appropriations bill.

The Administration's action would deny us the ability to bring such claims against the agencies that pay less than our full contract support cost amount. The Administration's proposal was made without any consultation of tribal governments, contrary to the agencies' respective Indian consultation policies and to the President's own statements and memorandum concerning the importance of government-to-government consultation. We therefore ask the Subcommittee to reject the Administration's proposal. We urge the Congress to fully fund all contract support costs and to direct the agencies to honor the ISDA and the terms of our contracts and agreements with them. Thank you for providing the Fort Peck Tribes the opportunity to share our comments concerning the Budget for Fiscal Year 2014.